



CITY OF HELENA

Public Works
316 N Park Avenue
Helena, MT 59623
(406) 447-8430

June 30, 2020

To Al Garcia:

Listed below are the updated status for corrective actions identified in the City of Helena's Pretreatment Audit completed in September of 2017.

Corrective Action Item 1.

Ensure qualified personnel carry out the authority and procedures of the Pretreatment program and provide the EPA with a staffing plan that includes an evaluation of the City of Helena's commitment to the Pretreatment program and to ensure it adequately implements all programmatic activities

The City is currently utilizing internal resources and a consulting firm to ensure qualified personnel carry out the authority and procedures. See attached consultant contract(s).

Corrective Action Item 2.

Update the current municipal ordinance during the next revision:

- ☐ Significant Industrial User (SIU) definition found in §6-4-4 – The EPA recommends the City replace “any wastewater user” in the SIU definition with “any industrial user”. Wastewater User is not defined in the Pretreatment Ordinance.
- ☐ Best Management Practices (BMP) are not currently established in §6-4-7(B) of the municipal ordinance as local limits or Pretreatment Standards. The City needs to add this language to ensure the BMPs are enforceable.
- ☐ Toxic vapors, fumes specific prohibition found in §6-4-5(C)11 of the municipal ordinance is not equivalent with the Federal Regulations. The specific prohibition for toxic vapors or fumes found in the Pretreatment Regulations, 40 CFR 403.5(b)(7) state the following: “Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.”
- ☐ Enforcement authority to immediately halt actual/threatened discharge provisions, as required in 40 CFR Part 403.8(f)(1)(vi)(B) of the Pretreatment regulations.

The City of Helena adopted an updated ordinance in September 2019. The new ordinance is attached.

Corrective Action Item 3.

Develop an IGA with Fort Harrison that delegates authority to implement the Pretreatment program for facilities located on the military base, including the VA hospital.

According to an email received on January 31, 2019 from Michelle DeGrandi, Environmental Attorney-RPLG, Department of Veterans Affairs, the VA follows local laws for which congress has waived their sovereign immunity. The Clean Water Act requires compliance with state/local requirements related to the control and abatement of water pollution.

The City of Helena believes our ordinance provides the needed authority to implement the Pretreatment Program at Fort Harrison; however, a draft IGA was sent to Al Garcia on 4/30/19 requesting approval of the language but we have not received a response. The draft IGA is attached.

Corrective Action Item 4.

Complete the development of the local limits, as discussed in Part II of the November 21, 2016 local limits correspondence and submit the final draft local limits to the EPA for evaluation and approval.

The implementation of local limits was delayed due to the anticipated new MPDES permit but the new permit has been delayed again by the State of Montana. A detailed re-evaluation of the local limits was submitted to Mr. Al Garcia at US EPA Region 8 on Feb 5, 2019. The City has been waiting for comments from Mr. Garcia. If desired by the EPA, the City will implement the updated local limits and update the city resolution and will follow appropriate EPA and City public comment periods. Attached to this letter is a resubmittal of updated local limits.

Corrective Action Item 5.

Update the industrial waste survey procedure to include the notification the Industrial Users of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. This notification should be contained in a follow up letter to the IUs that are significant or those facilities that are subject to control mechanisms such as BMPs instituted in a sector control program.

The City of Helena only has two IUs. Both are permitted with the City. We may need further guidance and clarification as to what is required by Code.

Corrective Action Item 6.

Update and maintain the IU inventory based on available tools to the City such as the industrial waste survey, drive by inspections, facility inspections, etc. as identified in the City's SOP for the industrial user inventory. Update and maintain the IU inventory to include any potential non-domestic sources in the Aspen Meadows service area.

The City of Helena continues reviewing new business licenses and Industrial Waste Survey forms to see if they are a concern.

Corrective Action Item 7.

Develop a complete inventory of the dental offices in the service area to determine new and existing dental facilities subject to the Dental Amalgam Rule promulgated by the EPA on June 14, 2017. The City of Helena should evaluate providing outreach and education regarding compliance with the Dental Amalgam Rule to the dental facilities in its service area.

As of February 25, 2019, all dental offices in the Helena area have been inventoried. There are 50 dental providers in the area with most of them having dental amalgam separators.

Corrective Action Item 8.

Incorporate the authority to administratively extend permits or remove this language from the permit template.

The language incorporating the authority to administratively extend permits has been removed from the boiler plate permit template. That language is NOT in either of the current permits.

Corrective Action Item 9.

Ensure the DIP permit limits are enforceable and is required to modify the permit to incorporate enforceable limits for Arsenic, Chromium III, Chromium VI, Mercury, Molybdenum, and Selenium.

The proposed DIP limits for their new industrial discharge permit with the City are included in the attached documents. See also local limits comments on Corrective Action Item 4.

Corrective Action Item 10.

The City of Helena is required to modify the DIP permit to include the TTO daily maximum limit.

The DIP Industrial User Permit will be updated to include a Daily Maximum Permit limit of 2.13 mg/L in the Effluent Limitations portion of the permit following adoption of the new local limits. See also local limits comments on Corrective Action Item 4.

Corrective Action Item 11.

Modify the Decorative Industrial Plating permit to incorporate monitoring requirements for TTO or alternatively, solvent management plan and certification requirements found in 40 CFR 433.12 (a) and (b).

The DIP permit will be reissued as necessary following adoption of the new local limits. See also local limits comments on Corrective Action Item 4.

Corrective Action Item 12.

Re-evaluate the sampling frequencies and types based on the discharge from DIP during a production day and modify the permit, if necessary.

A revised Sampling and Analysis Plan was prepared by CDM Smith and is included in the attached documents.

Corrective Action Item 13.

Perform independent sampling for all pollutants of concern in the DIP permit.

The City of Helena completed this shortly after our audit and will continue to do so on an annual basis.

Corrective Action Item 14.

Ensure that Montana Rail Link is performing compliance sampling during an actual discharge to the City's sanitary sewer system.

MRL analyzes the sample from their process tank before it is discharged to the collection system. No additional water is added to the tank between the time a sample is collected and the water is discharged. Operating in this manner meets the requirement to sample during discharge.

Corrective Action Item 15.

Date stamp all received compliance reports to document they were submitted by the permit's deadline.

The date documents are mailed to and/or received by the City is documented.

Corrective Action Item 16.

Provide an enforcement response to Montana Rail Link for the late reporting of the June 2016 monthly compliance report.

MRL personnel was out on medical leave during the reporting period and MRL did not discharge any process water in that month so a notice of violation was not processed by the City of Helena.

Corrective Action Item 17.

Ensure the facility inspection reports are developed using specific and current information regarding the facility's processes and waste treatment methods.

The City of Helena has been completing annual inspections at the two permitted Industrial Users.

Corrective Action Item 18.

Evaluate the sampling protocol at Decorative Industrial Plating to ensure the samples are representative of an actual production day. It is recommended the sampling events be conducted while the production lines are in operation, not during lapses in production.

A revised Sampling and Analysis Plan was prepared by CDM Smith and is included in the attached documents

Corrective Action Item 19.

Evaluate the chemicals to determine if the facility uses total toxic organics found in 40 CFR 433 and address the management of these chemicals through permit limits or through a toxic organic management plan.

During annual inspections, City of Helena staff evaluates DIP for chemicals to determine that the facility is not discharging any total toxic organics found in 40 CFR 433. DIP has been submitting the Toxic Organic Management Plan and the TTO certification statement throughout 2018. The DIP Industrial User Discharge permit will be updated to require SDS sheets be kept on file at the facility and to notify the City with each quarterly report of any new chemicals used in the process.

Corrective Action Item 20.

Develop sampling procedures that provides documentation regarding representative sampling based on appropriate sampling procedures and techniques. The sampling plan needs to include adequate QA/QC procedures during sampling events to ensure the analytical data is valid and legally defensible.

Please see updated sampling and analysis plan, attached.

Sincerely,

Mark Fitzwater

Attachments

Cc:

Phil Hauck, City of Helena
Joan Detty, EPA Region 8
LeAnn Wiegand, CDM Smith